

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

BENJAMIN WEY and  
SEREF DOĞAN ERBEK,

Defendants.

Crim. Action No.: 15-CR-00611 (AJN)

**REPLY DECLARATION OF DAVID SIEGAL**

David Siegal hereby declares pursuant to 28 U.S.C. § 1746:

1. I am a partner with the law firm of Haynes and Boone, LLP and counsel for Defendant Benjamin Wey in this case. I have been Mr. Wey's attorney in connection with the investigation that led to this Indictment since on or about January 27, 2012.

2. I submit this reply declaration in further support of Mr. Wey's Motion to Suppress, to Dismiss the Indictment, and For Other Relief (the "Motion to Suppress"). I have personal knowledge of the facts stated herein, and I believe each of them is true and correct.

3. Annexed hereto as Exhibit 46 is a copy of a December 19, 2014 Wall Street Journal article entitled, "*Are You Sure You Want to Use Email?*" by Don Clark, Shira Ovide and Elizabeth Dwoskin.

4. Annexed hereto as Exhibit 47 is a list comparing the search terms authorized by Exhibit B of the search warrant with the expanded list of search terms run by the Government in the spring of 2013, with highlighting to indicate the search terms that were not included in Exhibit B to the search warrants.

5. Annexed hereto as Exhibit 48 is an agreement between Mr. Wey and the Oklahoma Department of Securities dated July 13, 2005.

6. In its opposition to Mr. Wey's Motion to Suppress, the Government states that its search terms were "developed in consultation with the defense." (Opp., p. 53) While I do not know to what this refers, apart from NYGG's counsel having provided lists of attorney names to the Government in 2012, I do not recall any "consultation" with the Government on its taint process or its search-term development by NYGG's counsel or myself.

\*\*\*\*

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: August 12, 2016

s/ David Siegal  
David Siegal

# EXHIBIT 46

# THE WALL STREET JOURNAL.

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<http://www.wsj.com/articles/are-you-sure-you-want-to-use-email-1419030075>

TECH

## Are You Sure You Want to Use Email?

Companies Rethink Policies About Deleting Messages in Wake of Sony Leaks



Devastating leaks from Sony's computer systems have dramatized the risks of storing corporate email for extended periods. Workers remove a poster-banner for 'The Interview' from a billboard in Hollywood. *AGENCE FRANCE-PRESSE/GETTY IMAGES*

By **DON CLARK, SHIRA OVIDE** and **ELIZABETH DWOSKIN**

Dec. 19, 2014 6:01 p.m. ET

Devastating leaks from Sony Corp.'s computer systems have dramatized the risks of storing corporate email for extended periods. Some people in Silicon Valley wonder if it is time to rethink that practice.

Electronic mail, despite many attempts to replace it, remains a vital communications tool and an ad-hoc filing cabinet for employees at most companies. Retrieving

important information and attachments by searching mail—which can be stored indefinitely—is simple and fast.

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But as was highlighted in the Sony hack, this puts a single trove of both potentially embarrassing communication and critical company secrets within easy reach of cybercriminals. (Related Article: Obama Says Sony 'Made a Mistake' Canceling Film)

Many long-established companies have for some time had email-deletion policies, but for a different reason: Complying with demands for stored communication in legal cases can be expensive.

These policies typically call for automatic deletion of emails after a set period, often after 90 or 120 days. But many companies—especially startups—have no retention policies.

Some experts view the startling success of attackers in breaching Sony's defenses and distributing sensitive emails—an incident that U.S. officials have linked to North Korea—as a powerful argument for prompt destruction of nonessential messages.

"My belief is the retention policy should be 30 days," said Steve Blank, a veteran Silicon Valley entrepreneur and academic. "I think the Sony-North Korea thing just kind of reinforces the fact."

There are signs that some companies are heeding such calls. Cloud Sherpas, an Atlanta-based firm that helps companies buy Gmail and other workplace technology from Google Inc. and others, said two customers have changed their email retention systems since the Sony hacking.



One of them, a big technology manufacturing firm on the West Coast, asked for a customized software process to purge email of specific users whenever the business deemed it necessary, said David Hoff, Cloud Sherpas' chief technology officer. The other customer, a midsize manufacturer, added a Google function to automatically delete emails after a year, with a shared "safe" folder in which employees could stow emails that they needed to keep longer.

Deleting messages isn't necessarily an absolute defense against theft, since storage systems frequently retain traces of data that can be retrieved under some circumstances.

A Sony spokesman didn't respond to questions about the company's data-retention policies or details about the breach.

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*'My belief is the retention policy should be 30 days. I think the Sony-North Korea thing just kind of reinforces the fact.'*

—Steve Blank, a veteran Silicon Valley entrepreneur

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Amid the uncertainty, some tech companies say they are reviewing their security precautions, in part because customers in government and other sectors are demanding to know their data will be safe.

"They have a lot more questions for us as we sell into those accounts," said Douglas Murray, chief executive of Big Switch Networks Inc., a Silicon Valley startup that is using a security firm to evaluate its safeguards. "People are concerned."

Executives at some startups say the very idea of regularly deleting emails is a foreign concept, and may be too drastic a solution.



“Destroying email that has become a repository for employees to go back and do research will be a significant culture change,” said Justin Somaini, chief technology officer at Box Inc., which offers online data storage and related services. “A better approach than deleting email is the application of healthy security practices on the content itself.”

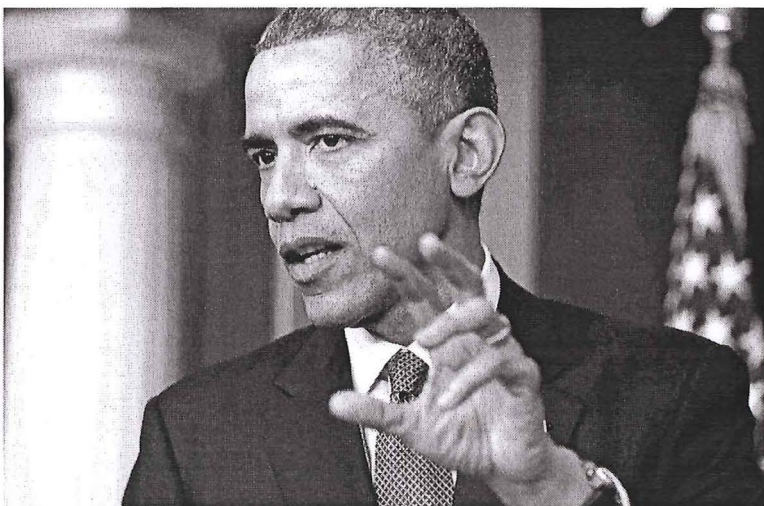
Another familiar option is encrypting mails to make them unintelligible in the event they are stolen. Few companies encrypt all of their email, though, in part because many employees correspond with others outside their organizations who aren’t using the technology.

Some startups, meanwhile, have been pushing alternatives to email that they believe improve collaboration. They include Slack Technologies Inc. and HipChat.

Matt Mullenweg, chief executive of the startup Automaticc, said it mainly leans on tools such as Slack and hardly uses email anymore. But those services also generate data that could tempt attackers.

“Search is one of the big features of these tools, so deleting old stuff would be counterproductive,” Mr. Mullenweg said, who said his company has no plans to start deleting emails.

Many startups also rely on services like Google’s Gmail, rather than storing and managing email on their own servers as established companies tend to do.



President Barack Obama, in a news conference Friday, said the U.S. will respond to the hacking it traced to North Korea.  
KEVIN LAMARQUE/REUTERS

“We expect our email to stick around forever,” said Jonathan Gray, chief executive of the big data startup Cask, which uses Gmail. “I think most would be best served thinking that way.”

Mr. Gray said his company has strict policies around handling sensitive data from its enterprise customers, but had no internal policy governing how email data would be deleted.

John Schroeder, chief executive of big data startup MapR, said the company takes a similar stance. “We haven’t implemented a deletion policy of any kind,” he said, adding that the company has strict policies for handling customer data.

At the opposite extreme are companies like Intel Corp., which grappled with email retention issues in a private antitrust suit by rival Advanced Micro Devices Inc. that was settled in 2009.

Some Intel employees failed to take the proper measures to stop relevant emails from being destroyed by the company’s auto-delete system.

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WSJ.D

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Now  
the

**WSJ.D is the Journal’s home for tech news, analysis and product reviews.**

- Sony Made It Easy but Anyone Could Get Hacked; Here’s Some Advice (<http://www.wsj.com/articles/sony-made-it-easy-but-any-of-us-could-get-hacked-1419002701>)
- Who Needs Amazon or Wal-Mart? China Is Cutting Out the Middleman (<http://www.wsj.com/articles/who-needs-amazon-or-wal-mart-china-cuts-out-the-middleman-1418950309>)
- Yahoo Halts Flickr Photo Sales Amid Backlash (<http://blogs.wsj.com/digits/2014/12/18/yahoo-halts-flickr-photo-sales-amid-backlash/>)
- A Look at the Year’s Tech Hits and Misses, and What’s Up for 2015 (<http://blogs.wsj.com/personal-technology/2014/12/19/a-look-at-the-years-tech-hits-and-misses-and-whats-up-for-2015/>)

company automatically deletes emails after 90 days, unless employees individually take action to store them in folders, said Chuck Mulloy, an Intel spokesman.

These days, Silicon Valley companies seem more interested in reducing the risks with additional technology. Some entrepreneurs have advocated messaging systems, along the lines of the consumer service Snapchat, that are designed to delete messages soon after they are viewed.

Others believe that companies should develop technology that gives individuals or corporate owners of that data the ability to destroy it remotely if it falls into the wrong hands, though the feasibility of the approach remains unclear.

“The sender should have the right to delete the email,” said Muddu Sudhakar, chief executive of Caspida, a Silicon Valley security startup. “These systems need to evolve to support that capability.”



—*Steven Rosenbush and Evelyn M. Rusli contributed to this article.*

**Write to** Don Clark at [don.clark@wsj.com](mailto:don.clark@wsj.com), Shira Ovide at [shira.ovid@wsj.com](mailto:shira.ovid@wsj.com) and Elizabeth Dwoskin at [elizabeth.dwoskin@wsj.com](mailto:elizabeth.dwoskin@wsj.com)

# EXHIBIT 47

Search Terms for Electronic Devices Seized in Jan. 2012 searches of Wey Office and Apartment  
As of May 3, 2013

23 Rue Ferdinand-Hodler  
32 Hollywood Road  
Adam Cavise  
Adges  
Adrian Alfred Crimeni  
Adriana Walker  
Advantage Consultants  
AgFeed  
Ahmed Mohidin  
aka Mary-Chantal Souilem  
Akgrif Neunie  
Akil Channer  
Albert Lee  
Alex Li  
Alexander Kibrik  
Alexander Velez  
Alexis Rittereiser  
Aliya Morgan  
Ana Cicero  
Andrea Vellios  
Andrew Aspromonte  
Andrew Drake Jobe  
Anthony DiGiovanni, Jr.  
Anthony DiGiovanni, Sr.  
Anthony Valente  
Arnold Staloff  
Bai Weijiang  
Bank of Communications  
Bank of East Asia  
Barney Monte  
Barry Cohen  
Barry Konig  
Barry Slotnick  
Becky Cragin  
Bei Lu  
Ben Wey Family Trust  
Bicornio Real Estate Ltd. (Signatory:)  
Bill Chongtong Chen  
Bill He  
BMJT Holdings  
BMO Capital Markets  
Bodisen Biotech  
Boris Hochman  
Brandon Stewart  
Brenda Diagnault  
Brian Walker  
bright\_Li@2G3.net

Search Terms for Electronic Devices Seized in Jan. 2012 searches of Wey Office and Apartment  
As of May 3, 2013

Broadridge  
Broadridge  
Brown Brothers Harriman  
Brown Brothers Harriman  
Bryan Kimbrough  
BW Insurance Trust  
bwey  
Calvin Vaval  
Caribe Management  
Carol Calabro  
Cartan Holdings, Inc.  
Chang Yuan WANG  
Changyuan WANG  
Chantal SOULEM  
Charles Schiro  
Chase  
Chen Ming  
Chen Sheng  
Chen ZHANG  
China Natural Gas  
Chris Cragin  
Christopher Urbanski  
Citibank  
Citigroup  
Claudia Allon  
CleanTech  
Corie Valente  
Coventure International Inc.  
Credit Suisse  
Crescent Liu  
Crescent LIU  
Damion Escabar  
Daniel Walker  
Daria Rizzello  
David Lu  
David McCusker  
Dayle Byers  
Deer Consumer Products  
Deerfield Road, LLC  
Deutsche Bank  
Dixon Chen  
Dogan Erbek  
  
Dong Xin, a/k/a Xin Dong  
Douglas Shebroe  
Du Wei  
Duane Jobe

Search Terms for Electronic Devices Seized in Jan. 2012 searches of Wey Office and Apartment  
As of May 3, 2013

Dunmore Global Investments

E trade

Edward (Eddie) Ninive

Edward Irvin

Edward McMillan

Edward Mostafa

Elijah Graham

Elizabeth (Liz) Scholander

erbek@estgeneva.ch

Erika Newman

EST S.A.

Ester Saintable

Ethel Konig

Ever Trust

Everett Leonidas

Everton Capital

Farley Wang

farleycyw@yahoo.com

Federal Express

FedX

Finchley International Investments

First Merger Capital

First Merger Capital (Delaware), Inc.

First Merger Capital, Inc.

Focus Trading Investments

Four Tong Investments

Francine Curcio

Francis Perez

Francis Vetere

Frank DiMartini

Fred Rittereiser

Fufuko Walker

FusionTech

Futmon Holdings

Gary Cicero

Gary Smalley

Genovie Fernandez

George L. Calhoun

George Vellios

Gerard Diagnault

Gineva Escabar

GKM

Goldman Kurland

Graham Walker

Grayling

Greg Mulligan

Guo Sheng



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Guy Durand  
Han Bo  
Han Hua  
Harban Capital  
Harlesten Assets  
Harold Walker, a/k/a "Jim Walker"  
Herman Palmero  
Holladay (Stock Transfer)  
Hong Ju Wang  
HSBC  
Huajun Ai  
Ike Naim  
Interbridge Capital Advisors  
Interwest Stock Transfer  
Island Stock Transfer  
J.P. Morgan  
Jacquelyn Hart  
Jacquelyn Rittereiser  
James Hayes  
James Jun Wang a/k/a Wang James Jun  
James Schiro  
James Shaughnessy  
James Walker  
James Wilent  
Jameson Capital  
Jason Schlombs  
Jay Feeney  
Jefferies  
Jeffrey Gruehn  
Jennifer Ninive  
Jiahua WANG  
Jingyi LIU  
Joe Giamichael  
John Adams  
John Baginski  
John Cragin  
John Stadler  
John Wang  
Jonathan Woo  
Jorge C. Ferreira  
Joseph Allen  
Joseph B. Gatkuoth  
Joseph Giamichael  
Joseph J. Steward  
Joseph Naselli  
Joseph R. Oleske  
Joseph Rizzello

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Joseph Valente  
Josephine Aspromonte  
JTE Insurance Trust  
Justin Miller  
Justin Rizzello  
Kansas Rosalind Day  
Karen Walker  
Katherine I. Walker  
Kathi Harms  
Kathy Ninive  
Kathy ZHANG  
Katya Voronchuk  
Keisha Harris  
Keller Walker  
Kevin Pickard  
Kim Cragin  
Kinwick  
Labron Toles  
Lai Yin Ling  
Laura Tizio  
Legent  
Leroy Urbanski  
Li Jun aka Jun Li  
LI We  
Li Yan a/k/a Yan Li  
Li Yan, a/k/a Yan Li  
Linda LIU aka Jia LIU  
lindajialiu@gmail.com  
lindajialiu@yahoo.com  
Liu Junwei  
Liu Xinting  
liujia1018@vip.sina.com  
Louise Adams  
Lu Yuan  
Luke Walker  
Ma Wen  
Mack L. Miller  
Maline Rizzello  
Marc Crimeni  
Marie Robinson  
Mark Robinson  
Marsha Uchimoto  
Martin Gilmartin  
Martinez-Ayme  
Mary Anne Wilent  
Maryna Bilyska  
Mascoma Savings Bank

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Matthew Apfel  
Maureen Gearty  
Meadow Investments Group  
Median Asset Investments  
Melinda Cruz  
Metlife  
Michael Dugan  
Michael Perlik  
Michaela Wey Family Trust  
Michal Perlik  
Michelle Harris  
Ming LI a/k/a LI Ming  
Morgan Stanley  
mwei@nygggroup.com  
mwey@nygg.com  
Myron Rosenkranz  
Nadine Aspromonte  
Nan Wang  
Nancy Ninive  
Nancy Palmero  
Nancy Wang  
NASD  
Nasdaq  
New England Securities  
New York Global Advisors  
New York Global Capital  
New York Global Group  
New York Global Securities  
nicebright@263.net  
Nicholas Sinclair  
Nicholas Sinclair  
Nico Rizzello  
Noelle Urbanski  
Norma Smalley  
Norma Walker  
Nova Lifestyle  
NYG Capital  
NYGC  
NYGC Investment Consulting  
nygcapital.com  
NYGG  
nygg.com  
nygggroup.com  
NYGS  
Olga Gutnik  
Omar Campbell  
Otakar Ungerman

Search Terms for Electronic Devices Seized in Jan. 2012 searches of Wey Office and Apartment  
As of May 3, 2013

P.O. Box 3179  
P.O. Box 663  
Pacific Goldrim Resources  
Patricia Aspromonte  
Patrick W. Watson  
Patty Shaughnessy  
Paul Turner  
Paul Turner  
Pauline Bartley  
Peg Lalor  
Peifen ZHANG  
Peng Guo  
Penson  
Peter Tsu  
Phil Quartuccio  
Qian Lu  
Quianna Mongol  
Quingan SHEN  
Radnor  
Ramnarain Jaigobind  
Raquel Sanchez  
Raymond James  
Raymond Phillips  
Regina Schwartz  
Regina Schwartz  
Rick Exton  
rnewman@newmanmorrison.com  
rnewman@nlawglobal.com  
Robert Newman  
Robert Newman  
Robert Newman  
Robert Rittereiser  
Robert Volpe  
Rodman & Renshaw  
Ron Basu  
Ron Zakai  
Ronen Zakai  
Roosen Commercial  
RRZ Management  
Ruide.tang@gmail.com  
Rupert Barcoo  
Samuel Walker  
Sara Urbanski  
Sarah WEI  
Sarah@nygcapital.com  
Scottrade  
Seaboard Securities

Search Terms for Electronic Devices Seized in Jan. 2012 searches of Wey Office and Apartment  
As of May 3, 2013

SG Private Bank  
Shao Huifa  
Sharon Staloff  
Sherry Pryor  
Shiner International  
Signature Bank  
Signature Stock Transfer  
Signature Stock Transfer  
Smartheat  
Snowcz2004@yahoo.com.uk  
Song N. Hui a/k/a Hui Song N  
Song Nian Hui, a/k/a Nian Hui Song  
Sovereign Managers  
Sovereign Trust  
Stephanie McCusker  
Stephen Barbot  
Stephen Lambrix  
Stephen M. Barbot  
Sterne Agee  
Steros Christoforou  
Steve Day  
Stevens Resources  
Strong Growth Capital  
Stuart A. Jeffrey  
Suite 1601-1603  
Susanne Mulligan  
Tag Events Corporation  
Talman Harris  
TD Ameritrade  
TD Bank  
Tereza Ungermanova a/k/a Teresa Ungerman  
Terry Most  
Thelma Robinson  
Tian Yi WEI  
Tianjin NYGC Investment Consulting  
Tianyi WEI  
Tianyi Wei Family Trust  
Tiffany Fields  
Timal Robinson  
Timothy Calabro  
Timothy S. Orr  
TJWS Investment Consulting  
Travis McDonald  
UBS  
user2012@126.com  
Venlaw Consultants  
Verizon



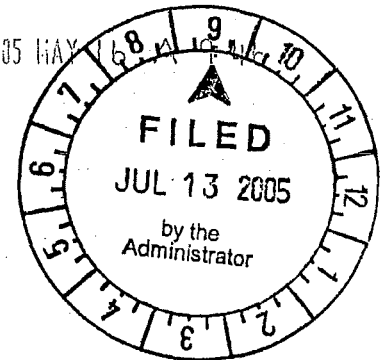
Search Terms for Electronic Devices Seized in Jan. 2012 searches of Wey Office and Apartment  
As of May 3, 2013

Vincent Cervone  
Vincent Ficci  
Vision Capital  
Viviana Escabar  
Wallace Mountain Resources  
Wang Cheng  
Wang Jiahua, a/k/a Jiahua Wang  
Wang Yingkai  
Wang Yu  
Wang Yuan  
Wanshuang Zhang  
Wayne Bachelier  
Wbb219@yahoo.com  
We Li  
WEI Tian Yi  
Wendy Jobe  
William Blair  
William Ma  
William Scholander  
William Uchimoto  
Witter  
Wolf Enterprises  
Wonderful Ltd.  
Wong Hong  
Wu Nan  
Yang Xin Yun a/k/a Yun Xin Yang  
Yang Xiu Yun, a/k/a Xiu Yun Yang  
Yanxia ZHANG  
Ye He  
Yi Zhang  
Yingmao WEI  
York Capital Management  
You Li Investment Consulting Ltd.  
Yuzen HOU  
Yvette Rogers  
Zapnaps  
Zhang Chen, a/k/a Chen Zhang  
Zhao Guangyu  
Zhe Pang

# EXHIBIT 48

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
FIRST NATIONAL CENTER, SUITE 860  
120 NORTH ROBINSON  
OKLAHOMA CITY, OKLAHOMA 73102

RECEIVED  
OKLAHOMA DEPT.  
OF SECURITIES



In the Matter of:

Benjamin Wei,

Respondent.

ODS File No. 02-166

### AGREEMENT

An investigation into the activities of Benjamin Wei was conducted by the Oklahoma Department of Securities (Department), pursuant to the Oklahoma Uniform Securities Act of 2004 (Act), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), and the Oklahoma Securities Act (Predecessor Act), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 and Supp. 2003), in connection with the offer, sale and/or purchase of securities and the provision of investment advice in and/or from Oklahoma.

On January 22, 1997, Wei was registered under the Predecessor Act as an investment adviser representative of Elite Strong Growth Investment, Inc. (Elite), an investment adviser. Wei's registration as an investment adviser representative terminated on December 31, 2000.

On January 7, 2000, Wei applied for registration under the Predecessor Act as an agent of his closely held company, Benchmark Securities Group, Inc. (Benchmark Securities), a broker-dealer. On October 3, 2001, Wei's application terminated without registration.

On April 17, 2000, Wei, individually, and as president of Elite, entered into an agreement with the Department to resolve certain deficiencies uncovered in two on-site examinations of Elite. Pursuant to the agreement, Wei was not allowed to act in a supervisory capacity for Benchmark Securities.

The Department's investigation revealed that between December 1999 and September 2001, Wei made recommendations to at least two (2) Oklahoma residents for the purchase of shares of Ashton stock and warrants, shares of PharmaPrint stock, and/or shares of Micron Electronics stock that were not suitable for said customers. Wei failed to disclose the risks associated with the purchase of these securities. Further, Wei made at least one trade that the customer subsequently claimed was not authorized by the customer. On several

occasions, Wei failed to follow his customer's instructions with regard to their investment accounts.

The investigation further revealed that Wei failed to disclose to his customers a consulting arrangement among PharmaPrint, Elite and Wei, and a consulting agreement executed by Ashton Technology Group, Inc. (Ashton) and Wei as the "U.S. Representative" of Tianjin New Hong Cheng Technology & Trading Co., Ltd. (Tianjin), a People's Republic of China (China) corporation owned by Wei's sister. Wei had discretionary authority over the Tianjin investment account(s). Wei did not disclose the consulting agreements to his customers at the time he was recommending and selling Pharmaprint stock and Ashton stock and warrants to such customers.

The investigation further revealed that in 2000, Wei offered and sold an Oklahoma resident an investment evidenced by a "Convertible Note" issued by VICUS.COM, INC. At the time of the transaction, Wei was not registered under the Predecessor Act to transact business in the state of Oklahoma as an agent of a broker-dealer or an issuer. The Convertible Note issued by VICUS.COM, INC. was not registered under the Predecessor Act.

Without admitting or denying the findings by the Administrator, Wei desires to resolve the issues raised in the investigation expeditiously and in a manner consistent with the purposes fairly intended by the policies and provisions of the Act and the Predecessor Act.

**NOW THEREFORE**, the parties agree as follows:

1. **Censure.** Respondent consents to the issuance of a censure (the "Order of Censure") and voluntarily waives his right to notice, hearing and appeal as provided by the Act, the Predecessor Act, the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities ("Rules"), and the Oklahoma Administrative Procedures Act, Okla. Stat. tit. 75, § 250 *et. seq.*

2. **Prohibition to Conduct Business.** Respondent agrees that subsequent to the execution of this Agreement he shall not request to register as a broker-dealer, broker-dealer agent, investment adviser, investment adviser representative and/or issuer agent under the Act. Respondent further agrees that he shall not transact securities business on behalf of an issuer of securities or as a broker-dealer, broker-dealer agent, investment adviser, investment adviser representative and/or issuer agent in and/or from the state of Oklahoma.

3. **Entire Agreement.** Wei voluntarily consents to the issuance of this Agreement and the Order of Censure and represents that the consent and waivers contained herein are voluntary and given without threat, offer, promise, or inducement of any kind or nature having been made or given by the

Department, its staff, the Administrator, or the Oklahoma Securities Commission. Other than the Order of Censure, this writing constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes any and all prior and contemporaneous agreements, representations and understandings of the parties. No supplement, modification or amendment to this Agreement shall be binding unless executed in writing by each of the parties hereto.

4. **Limitation on Agreement.** Nothing in this Agreement shall prohibit the Administrator from furnishing information to any other properly constituted agency or authority. In the event any other agency or authority commences an action in connection with information obtained by the Administrator against Respondent, the Administrator may assist in such actions as authorized by law. It is further agreed that the execution of this Agreement does not mean that the Administrator has passed in any way upon the merits or qualifications of, or recommended or given approval to, the transactions to which it relates.

5. **Effective Date.** This Agreement shall be effective as of the date on which it is signed by the Administrator as set forth below his signature hereto.

6. **Consideration.** In consideration for this Agreement, the Administrator will not take further action against Wei in connection with the activities described above provided, however, should Wei fail to comply with the terms of this Agreement in any material respect or if Wei has made any false or misleading statements to the Department in connection with this matter, the Department will initiate action against Wei as authorized by the Act and/or the Predecessor Act.

7. **Applicability.** This Agreement applies only to the activities of Wei and to no others.

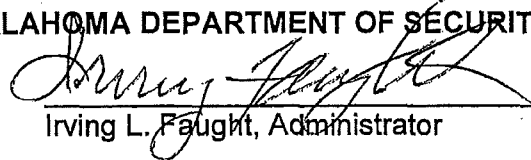
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year set forth below their signatures hereto.

Benjamin Wei

  
\_\_\_\_\_

Date: \_\_\_\_\_

OKLAHOMA DEPARTMENT OF SECURITIES:

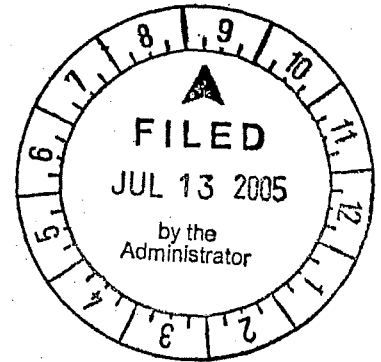
By:   
\_\_\_\_\_

Irving L. Faught, Administrator

Date: JULY 13, 2005



STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
THE FIRST NATIONAL CENTER, SUITE 860  
120 NORTH ROBINSON  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Benjamin Wei,

Respondent.

ODS File No. 02-166

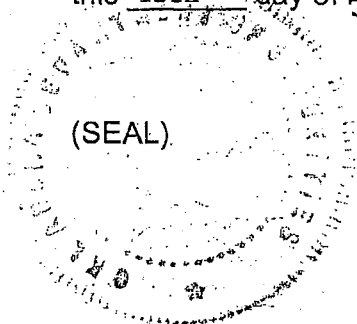
**ORDER OF CENSURE**

The Oklahoma Department of Securities (Department) conducted an investigation into the activities of the named Respondent pursuant to the Oklahoma Uniform Securities Act of 2004 (Act), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), and the Oklahoma Securities Act (Predecessor Act), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 and Supp. 2003).

In order to resolve the issues raised in connection with the Department's investigation, Respondent voluntarily executed the Agreement that is attached hereto as Exhibit "A" and incorporated herein by reference and consented to the issuance of this Order.

**IT IS HEREBY ORDERED THAT** Benjamin Wei is censured for violations of Sections 101, 201 and 301 of the Predecessor Act, and 660:10-7-42 and 660-10-5-42 of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities.

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 13th day of ~~May~~ July, 2005.

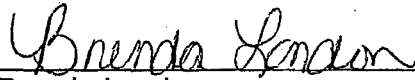


  
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IRVING L. FAUGHT, ADMINISTRATOR  
OF THE OKLAHOMA DEPARTMENT OF SECURITIES

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 13th day of July, 2005, a true and correct copy of the above and foregoing Agreement and Order of Censure was mailed to:

Richard J. Babnick, Jr., Esq.  
Sichenzia Ross Friedman Ference L.L.P.  
1065 Avenue of the Americas, 21<sup>st</sup> Floor  
New York, New York 10018

A handwritten signature in cursive script that reads "Brenda London". The signature is written in dark ink and is positioned above a horizontal line.

Brenda London  
Paralegal